



U.S. Department of Justice

Antitrust Division

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December 13, 2018

VIA ECF

The Honorable Lorna G. Schofield
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *In re Foreign Exchange Benchmark Rates Antitrust Litigation*, No. 13-cv-7789 (LGS); *NYPL, et al., v. JPMorgan Chase & Co., et al.*, 15-cv-9300 (LGS)

Dear Judge Schofield:

Pursuant to the Court's September 25, 2018 Order (13-cv-7789, Dkt. No. 1121), the United States Department of Justice, through the Antitrust Division and the Fraud Section of the Criminal Division ("the Department"), respectfully requests a three-month extension of the limited discovery stay, as modified on November 8, 2018 (13-cv-7789, Dkt. No. 1141), of certain depositions and interviews in the above-referenced matters. The Department submits that the stay is necessary given the upcoming trials and appeals in three FX-related cases:

- *United States v. Bogucki*, 18-cr-21, is set for trial before Judge Breyer of the Northern District of California on February 4, 2019.
- *United States v. Aiyer*, 18-cr-333, is set for trial before Judge Koeltl of the Southern District of New York on October 21, 2019.
- *United States v. Johnson*, 18-1503-cr, is on appeal to the Second Circuit. Johnson filed his brief on August 30, 2018, the government filed its response on November 29, 2018, and Johnson's reply is due on January 17, 2019.

As before, the Department would continue to consider one-off requests for depositions of individuals who are covered by the terms of the stay. The Department has approved such requests by the *In re Foreign Exchange* and the *NYPL* Plaintiffs in the past.

The Department submits that the scope of the stay appropriately balances the need to protect the integrity of ongoing cases with Plaintiffs' desire for testimonial discovery at this juncture of the civil cases.

Plaintiffs in the *In re Foreign Exchange* case (13-cv-7789) consent to the Department's request, as do all Defendants except Credit Suisse, which takes no position. Plaintiffs in the *NYPL* matter (15-cv-9300) oppose the Department's request.

Respectfully submitted,

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cc: All counsel (via ECF)